

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JAMES ALLAN FITCH,

CASE NO. 3:22 CV 1806

Plaintiff,

v.

JUDGE JAMES R. KNEPP II

COMMISSIONER OF SOCIAL SECURITY,

**MEMORANDUM OPINION AND
ORDER**

Defendant.

Plaintiff James Allen Fitch seeks judicial review of an adverse social security decision under 42 U.S.C. § 405(g). This case was referred to Magistrate Judge Jonathan D. Greenberg for a Report and Recommendation (“R&R”) under Local Civil Rule 72.2(b)(2). Judge Greenberg recommends this Court vacate the Commissioner’s final decision and remand this case for further proceedings. (Doc. 11).

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge’s R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge’s R&R constitutes a waiver of *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the Commissioner filed a response indicating she would not be filing objections to the R&R. (Doc. 12).

Despite the lack of objections, the Court has reviewed Judge Greenberg's R&R and agrees with the findings and recommendation therein. Therefore, the Court ADOPTS Judge Greenberg's R&R (Doc. 11) as the Order of this Court. The Court VACATES the Commissioner's final decision and REMANDS the case for further proceedings.

IT IS SO ORDERED.

s/ James R. Knepp II
UNITED STATES DISTRICT JUDGE